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VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: PR Docket No. 92-235

Dear Mr. Caton:

On behalf of Forest Industries Telecommunications ("FIT"), we are filing an original and five (5) copies of its Comments on Petitions for Reconsideration in the above-referenced rulemaking proceeding.

Please communicate with us if you need further information.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

George Petrutsas
Counsel for Forest Industries
Telecommunications

GP:cej
Enclosures
cc: See Service List (w/enc.)

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BEFORE THE

ORIGINAL

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them	)	PR Docket No. 92-235
	)	
and	)	
	)	
Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services	)	

COMMENTS OF
FOREST INDUSTRIES TELECOMMUNICATIONS
ON PETITIONS FOR RECONSIDERATION

Forest Industries Telecommunications ("FIT"), by counsel, submits its comments on several petitions filed in the above-captioned proceeding seeking reconsideration or clarification of several aspects of the Commission's Second Report and Order, which was released on March 12, 1997. While the petitions address a number of the Commission's decisions in the Second Report and Order, FIT's comments are confined to reconsideration/clarification requests concerning the Commission's decision to permit centralized trunking; protection of existing critical land mobile systems; the "safe harbor" coverage limitations for new land mobile systems; and certain other matters.

Trunking

In its Second Report and Order, the Commission decided to authorize

centralized trunked systems on frequencies in the land mobile bands below 800 MHz if (a) the applicant meets the prescribed loading requirements and thereby qualifies for an "exclusive" service area, or (b), where the applicant cannot obtain an "exclusive" service area, the applicant obtains the written consent of co- and adjacent channel licensees of stations with service areas (37 dBu in the 150-174 MHz and or 39 dBu in the 421-512 MHz band) that overlap a circle with a radius of 113 km (70 miles) from the base stations of the proposed trunked system. Also, instead of obtaining written consent of such co- and adjacent channel licensees, an applicant for a centralized trunked system may submit an engineering report which demonstrates that the service area of the proposed trunked system (presumably, its calculated 37 or 39 dBu contour) would not overlap any existing co- and adjacent channel stations the service areas of which are within 70 miles from the location of the proposed centralized trunked station. See, Section 90.187(b)(l)-(ii) of the Commission's Rules, Second Report and Order, Paras. 56-59.

While practically all petitioners supported the Commission's decision to authorize trunking, several requested changes in the rule so that the requirement to obtain the consent of existing licensees should be based on the operational characteristics of the co- and adjacent systems involved rather than the 70 mile radius.[1] FIT agrees with that approach and suggests that the rule be changed to require the consent of the co- and

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[1]Those recommending such an approach include the Manufacturers Radio Frequency Advisory Committee ("MRFAC"); the Industrial Telecommunications Association ("ITA"); and the American Mobile Telecommunications Association ("AMTA"); Kenwood Communications Corporation ("Kenwood").

adjacent channel licensees of stations the service contours of which (either the 37 or 39 dBu contours, as appropriate) would be overlapped by the 19 or 22 dBu interfering contour of the proposed trunked systems. FIT agrees with the arguments on this point presented by MRFAC, AMTA, and ITA that protection of service areas rather than a mileage separation is much more logical and would provide more realistic protection to existing facilities. Therefore, FIT urges the Commission to grant the reconsideration petitions in this respect.

Kenwood Communications Corporation ("Kentwood") and Ericsson Inc. ("Ericsson"), as well as others,[2] offer alternatives to requiring the consent of incumbent co- and adjacent licensees. Kenwood would allow applicants for centralized trunked systems to support their applications with the results of monitoring of the channels of incumbent licensees whose consent the applicant is unable to obtain. Ericsson suggests that consent of only a simple majority of affected co- and adjacent channel licensees should be required with and the "holdouts" should be required to change frequencies with compensation in an amount equal to the cost of changing frequencies. Kenwood also proposes less than unanimous consent. FIT opposes both of these proposals. First, FIT believes that monitoring is not a reliable method for determining whether a channel is in "use", for a number of reasons, some of which Kentwood itself recognizes.[3] Ericsson's alternative in effect would authorize applicants for trunked

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[2]Petition of Small Business in Telecommunications, pp. 19-23.

[3]See Kenwood Petition, p. 9, n. 6.

systems to force out incumbents. Adoption of such a mandatory incumbent migration policy requires in-depth consideration of its implications, including major decisions as to the nature of the communications services to be authorized in the lower land mobile bands. While issues concerning "exclusivity" have been raised in the Commission's Further Notice in this proceeding, the matter of forced migration of incumbent licensees has not been raised nor addressed. Cf. Emerging Technologies, ET Docket No. 92-9, 8 FCC Rcd 6589 (1993). Therefore, FIT urges the Commission to deny the alternatives proposed by Kenwood and Ericsson.

Other petitioners[4] discussed at some length so-called 'decentralized' trunking. While there seem to be varying views on what constitutes "decentralized" trunking, it appears that decentralized trunking is viewed as trunking on non-exclusive channels with capabilities in the system to monitor each channel before transmitting. This concept of "trunking," as such, was not considered in this proceeding and no decisions were made by the Commission concerning decentralized trunking in the Second Report and Order. Therefore, this matter is not an appropriate subject for reconsideration in this proceeding.[5] In any event, because monitoring is not a very reliable means for determining whether a particular channel is in use, FIT urges the Commission to permit "decentralized trunking" only on a secondary, non-interference basis.

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[4]See, e.g., The Petition filed by the Personal Communications Industry Association ("PCIA"); AMTA Petition, pp. 3-5, Kenwood Petition, pp. 3-6.

[5]As PCIA and Kenwood point out, however, trunking below 800 MHz, in general was considered by the Commission in P.R. Docket No. 91-170, 6 FCC Rcd. 4126 (1991).

AMTA and ITA and Kenwood have recommended that applicants for trunked systems should be permitted to "target" channels for a period of time while they seek concurrences from affected co- and adjacent channel licensees. AMTA proposed that a trunked system applicant should be permitted to "target" as many as twenty (20) channels for as long as 120 days. ITA would "lock out" targeted channels for 90 days.[6] Under these proposals, once a trunked system proponent "targets" certain channels, no other entity would be able to apply for them during the lock-out period (90 or 120 days). FIT strongly opposes these proposals. Adoption of these proposals would encourage speculators and there would be widespread filings for targeted frequencies "on the come". In any event, such "lock-outs" would be unfair to PMRS applicants with legitimate needs for private systems. Therefore, FIT urges the Commission to reject these proposals and to require, instead, that trunked system applicants do their homework ahead of time, obtain consents where required, and prepare grantable applications for filing with the coordinator and the Commission. That's what everybody else is required to do. The Commission should not make special "lock-out" provisions for speculators.

In addition, FIT strongly opposes Kenwood's proposal that the consent of only co-channel licensees be required. FIT's believes that incumbent systems will require protection from adjacent channel systems until narrowbanding has been fully implemented, which would take some years to accomplish. Until then, incumbent

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[6]See AMTA Petition, pp. 7-10; ITA Petition, pp. 8-0; See also Kenwood Petition, pp. 9-10.

systems will require protection from new, adjacent channel systems. Therefore, FIT urges the Commission to reject Kenwood's proposal.

Finally, on this matter, FIT recommends that, because of the propagation uncertainties of the lower VHF bands, that trunking be confined to bands above 150 MHz.

Protection of Critical communications systems

The American Petroleum Institute (API) has recommended adoption of a coordination procedure which would assure a degree of protection to incumbent private wireless mobile communications systems operated by the petroleum industry on frequencies in the bands below 800 MHz. FIT shares API's concerns and strongly supports its proposal. However, the forest products industry, which has been sharing frequencies with the petroleum industry for many years, has similar needs to protect critical, existing communications facilities. The forestry industry's radio communications facilities also safeguard life and property in a very hazardous industry. Forest industry mobile radio communications systems also safeguard important national resources and play a vital role in preventing and suppressing forest fires, and in coordinating firefighting operations with local, and federal fire-fighting forces. Several state and federal agencies require the forestry industry to have reliable radio communications facilities. Therefore, FIT urges the Commission to provide for existing forest products systems, through the coordination process, the degree of protection API has proposed for petroleum systems. Indeed, because of system design configurations of forest

mobile communications systems, which must cover large wooded areas and which employ multiple mobile and fixed relays, it is vitally important that a coordinator with knowledge and experience in the forest products industry review and coordinate new applications proposing to share the same frequencies as those assigned to incumbent forest products systems.

Accordingly, FIT asks the Commission to adopt API's proposal and to make it applicable also with respect to existing forestry systems, so that applications for the same frequencies occupied by incumbent forest products systems should be coordinated by FIT.

"Safe Harbor" Tables

FIT agrees with ITA and other petitioners[7] that have suggested that instead of limiting new stations to an 80-km primary service area (and to comparable power/height values), new licensees should be allowed to provide as their primary service area a 37 (for VHF) or 39 dBu (for UHF) contours and to employ the appropriate power/height values for that purpose. This is particularly important in the forest products industry where land mobile wireless systems usually must be designed to cover large areas. The current "safe harbor" rules are not realistic in that industry.

Eligibility in the Industrial/Business Pool

FIT strongly supports the recommendation of Ericsson that the Commission maintain the frequencies in the land mobile bands below 800 MHz for the private land mobile service (PLMRS). In addition to the concerns discussed in Ericsson's petition (which FIT shares), FIT believes that authorization of commercial (CMRS) system in

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[7]See AMTA Petition, pp. 7-10, ITA Petition, pp. 8-9.

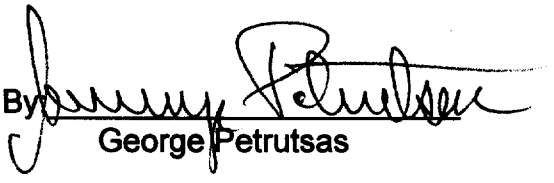
these bands would invite speculators, create huge backlogs and conflicts and, when the dust finally settles, there would be little if any spectrum left for private systems. The Commission is urged to heed Ericsson's advice and keep the private services, private.

Conclusion

The Commission is urged to take the foregoing into account in its consideration of the petitions for reconsideration and for clarification filed in the proceeding.

Respectfully submitted,

FOREST INDUSTRIES
TELECOMMUNICATIONS

By 
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Date: June19, 1997
cej/gp/gp#7/fit.plead

CERTIFICATE OF SERVICE

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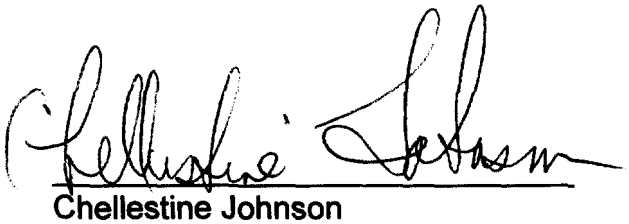

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